

REMARKS

Applicants request favorable reconsideration and withdrawal of the rejections set forth in the above-noted Office Action in view of the foregoing amendments and following remarks.

Claims 1, 2, 4, and 6-22 are now pending, with claim 1 being the only independent claim. Claim 22 is new. Claim 1 has been amended. Support for the new claim and amendment can be found throughout the originally-filed disclosure, including, for example, in the originally-filed claims, and at paragraph 0073 of the specification. Accordingly, Applicants submit that the new claim and amendment does not include new matter.

Claims 1, 2, 4, and 6-21 are rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Brizendine et al. (U.S. Patent No. 6,484,147) in view of Scroggie et al. (U.S. Patent No. 5,970,469).

Applicants respectfully traverse the rejection. Nevertheless, without conceding the propriety of the rejection, in order to expedite prosecution independent claim 1 has been amended to clarify certain features of the invention not disclosed or suggested by Brizendine et al. or Scroggie et al. To this end, Applicants submit that the claimed invention is patentably distinguishable from the cited references for at least the following reasons.

Amended independent claim 1 recites a method for facilitating the transfer of loyalty points between at least two accounts. The method includes, inter alia, maintaining a database of a computer for storing geographic area loyalty points in a loyalty account corresponding to a consumer, the geographic area loyalty points being associated with a plurality of different geographic areas. By such features, a method accordingly the invention may facilitate the rapid

accrual of points, even though the points are related to services, merchants, etc. in different geographic regions. See, e.g., paragraph 0073 of the specification.

The Office Action cites Brizendine et al. as disclosing some of the features of the invention. In formulating the rejection, the Office Action acknowledges that Brizendine et al. does not disclose a loyalty account associated with a geographic area. However, the Office Action cites Scroggie et al. as teaching that a user is required to enter his or her zip code in order to receive location dependent offers. The Office Action concludes that it would have been obvious to one of ordinary skill in the art to have “included the teachings of Scroggie et al. of geographic area points/offers/incentives in the loyalty account of Brizendine et al. based on the market area that the customer resides in.”

Assuming, arguendo, that the Office Action is correct with respect to its findings, Applicants submit that the combination of references still fails to disclose or suggest the combination of features recited in amended independent claim 1. As noted above, claim 1 recites “maintaining a database in a computer for storing geographic area loyalty points in a loyalty account corresponding to a consumer, [the] geographic area loyalty points being associated with a plurality of different geographic areas.” Neither Brizendine et al. and Scroggie et al. discloses or suggests such features.

Further, the reasoning of the Office Action for the combination of Brizendine et al. and Scroggie et al. is based on the idea that one of ordinary skill in the art would look to target points/offers/incentives to the market area that the customer resides in, and hence, use a geographical indicator (such as the zip code) in determining location-specific points/offers/incentives to send to the customer. This is clearly is not indicative or suggestive providing loyalty points in a loyalty account corresponding to a consumer, with the geographic

area loyalty points being associated with a plurality of different geographic areas, as recited in independent claim 1. In fact, following the reasoning of the Office Action would appear to suggest the opposite of the claimed invention; that is, one of ordinary skill in the art in view of Brizendine et al. and Scroggie et al. would look to provide geographic area loyalty points to a customer account only associated with *one* geographic area, namely the geographic area in which the customer resides.

Thus, for at least the foregoing reasons, Applicants submit that Brizendine et al. and Scroggie et al. fail to disclose or suggest the combination of features recited in amended independent claim 1.

The dependent claims also should be deemed allowable, in their own right, for defining other patentable features of the present invention in addition to those recited in the independent claims. Applicant requests further individual consideration of these dependent claims.

Applicants submit that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the Office Action, and a Notice of Allowability are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. Office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Donald H. Heckenberg, Jr./

Donald H. Heckenberg, Jr.
Attorney for Applicants
Registration No. 60,081

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10104-3800
Facsimile: (212) 218-2200

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